



MAIL STOP PETITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Yanagi

Attorney Docket No.: NAI118875

RECEIVED

Application No.: 10/088,781

Group Art Unit: 3725

NOV 17 2004

Filed: July 25, 2002

Examiner: M. Rosenbaum

OFFICE OF PETITIONS

Title: PARTICULATE MATTER VIBRO-FLUIDIZING APPARATUS

DECLARATION OF JERALD E. NAGAE IN SUPPORT OF PETITION TO WITHDRAW

HOLDING OF ABANDONMENT BASED ON OFFICE ACTION NOT RECEIVED

Seattle, Washington 98101

November 10, 2004

RECEIVED

NOV 23 2004

TO THE COMMISSIONER FOR PATENTS:

The undersigned, Jerald E. Nagae, hereby declares as follows:

TECHNOLOGY CENTER 3700

1. I, Jerald E. Nagae, am the prosecuting attorney of record for U.S. Patent Application No. 10/088,781, filed July 25, 2002, entitled, "PARTICULATE MATTER VIBRO-FLUIDIZING APPARATUS."
2. This Declaration is being filed in support of a Petition to Withdraw Holding of Abandonment and pursuant to MPEP Section 711.03(c)(II).
3. On September 14, 2004, a Notice of Abandonment was received in the above-identified application on the basis of not responding to an Office Action which was said to have been issued on January 5, 2004. On that same day, a call was placed under my direction to the U.S. Patent & Trademark Office requesting a copy of the Office Action. We were told that a copy would be forwarded to our office. After two follow-up telephone requests, the Office Action was finally forwarded to the undersigned on September 30, 2004.
4. I have searched the file, including a search of the file jacket and docket records for the above-referenced application, and confirm that the Office Action of January 5, 2004 was not received by our office. It is our office's procedure to docket dates

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associated with all Office Actions received from the U.S. Patent and Trademark Office upon receipt, and prior to forwarding the Office Action to the assigned attorney.

5. A true and correct copy of our docket records, where the non-received Office Action would have been entered had it been received and docketed, is attached to this Declaration as Exhibit A. A copy of the file jacket for the above-referenced application, where a record of the receipt of the document would have been recorded had it been received, is attached as Exhibit B.
6. I did not know that an Office Action had been mailed prior to September 14, 2004, and on information and belief, no one in our office was aware that the Office Action was mailed prior to September 13, 2004.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

November 10, 2004
Date

Jerald E. Nagae
Jerald E. Nagae
Registration No. 29,418
Direct Dial No. 206.695.1705

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: Nov. 10, 2004

Hilda J. de la Cruz

JEN:hjd

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Title: PARTICULATE MATTER VIBRO-FLUIDIZING APPARATUS

EXHIBIT A

NAII-1-0018875**Particulate Matter Vibro-Fluidizing Apparatus**

Seq	Type	Subtype	Action	Due	Completed
13	PP	PR	Petition to Revive	11/10/04	
1	RM	FA	File Application/Drop Dead	3/22/02	3/22/02
5	AC	AC	Awaiting Filing Particulars	5/22/02	4/3/02
3	AL	AL	Anniversary Letter	12/22/02	4/3/02
4	RM	RM	Convention Filing	3/22/04	4/3/02
6	FU	MP	Missing Parts?	6/22/02	5/28/02
2	PP	CR	Citation of References	6/22/02	8/15/02
7	PP	MR	Missing Requirements	7/20/02	8/15/02
8	PP	MR	Missing Requirements 1st Extension	8/20/02	8/15/02
9	PP	MR	Missing Requirements 2nd Extension	9/20/02	8/15/02
10	PP	MR	Missing Requirements 3rd Extension	10/20/02	8/15/02
11	PP	DDMR	Missing Requirements 4th Extension/Drop Dead	11/20/02	8/15/02
12	FU	NOA	Office Action/Notice of Allowance?	12/22/02	9/10/04

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EXHIBIT B

TITLES

PATENT NO.

SERIAL NO.

ISSUED

FILING DATE

ASSOCIATE Novae, Inc. & Interni

TO BE PUBLISHED

SM. ENTITY yes
DATE _____

DATE	FILE DOCUMENT
3/22/02	Appl'n filed
4/2/02	Postcard Recd
5/20/02	Missing Requirements
7/22/02	Missing Reg's. Filed (Dec. Assign/Check)
10/25/02	Not of Acceptance of Application
11/4/02	Filing Receipt Recd
11.8.02	Assignment
12/10/02	Request for Filing Receipt Correction
5/23/03	CORRECTED FILING RECEIPT REC'D
9/10/04	Notice of Abandonment
9/30/04	Non-Final Office Action
(1/5/09)	

Patent No.